

Fresno, California

March 13, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Henry Perea	Council President
	Blong Xiong	Acting Council President

Jon Ruiz, Assistant City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Councilmember Westerlund gave the invocation, and led the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS:

PRESENTATION OF THE SPCA PET OF THE MONTH – COUNCILMEMBER WESTERLUND

Presented.

PROCLAMATION OF “NOROUZ DAY” – COUNCILMEMBERS STERLING AND CALHOUN
PROCLAMATION OF “NATIONAL SAFE PLACE WEEK” – PRESIDENT PEREA

Read and presented.

APPROVE MINUTES OF FEBRUARY 27 AND MARCH 6, 2007

Councilmember Westerlund stated a correction needed to be made on the February 27, 2007 minutes – page 149-59 should read “two automated kiosks” rather than two booths.

On motion of Councilmember Westerlund, seconded by Acting President Xiong, duly carried, **RESOLVED**, the minutes of February 27 and March 6, 2007, approved as amended.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER STERLING: (1) Stated at last week’s meeting she had inquired about signage welcoming visitors to Fresno and noted she would like signage inside the Selland Arena as well as the Save Mart Center. (2) Stated her office received a letter from the Grand Jury regarding the Public Works Department and Lighting and Landscape Maintenance District (LLMD) and expressed concern that it needed to be acted upon by March 22, 2007, and would like it placed on the next agenda. (3) Requested an update on the median island maintenance schedule and requested the report include how often the median islands were maintained. (4) Stated the 10X10 Committee was currently testing the feasibility of the committee’s ideas and requested feedback from Councilmember Westerlund and the Code Enforcement Manager regarding integrating Code Enforcement with the Anti-Slum Task Force ordinance. (5) Requested staff provide a working document with ideas to establish a utility lifeline and inquired about who was leading the effort in establishing the lifelines, what type of budget was needed and what type of motions would be required to enact the lifeline. (6) Congratulated the Fresno City College Mens’ basketball team for winning the State title at Selland Arena last Sunday and also to the Clovis West Girls’ basketball team who went to the second round of basketball playoffs and noted they were the only Fresno team to go that far. (7) Reminded women to wear red on March 14th as it was Go Red For Women Day.

ACTING PRESIDENT XIONG: (1) Apologized for being absent at last week’s council meeting, adding he had been invited by the Asian Pacific American Legal Students’ Association of Harvard to speak on the Southeast Asians’ involvement in politics.

COUNCILMEMBER DAGES: Requested staff meet with Fresno Unified School District (FUSD) to repair the streetlights at Elizabeth Torronex Middle School, noting the streetlights were installed but not working and it was FUSD’s responsibility.

COUNCILMEMBER WESTERLUND: (1) Questioned the status of the financial audit of the Fresno Visitor’s and Convention Bureau and noted he was told it would be completed by the second week of March. Assistant City Manager Ruiz stated he would check the status.

APPROVE AGENDA:

(1-D) * AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$448,790 TO GOSTANIAN GENERAL BUILDING CORPORATION FOR INTERIOR OFFICE REHABILITATION AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) AND AIRPORTS ADMINISTRATION – AIRPORTS DEPARTMENT

Removed from the agenda.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

(1-A) * RESOLUTION NO. 2007-87– AUTHORIZE THE DEPARTMENT OF PUBLIC UTILITIES TO EXECUTE AN AMENDMENT TO THE LONG-TERM CENTRAL VALLEY PROJECT WATER SUPPLY CONTRACT AND FINDING SUCH ACTION EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZE THE CITY MANAGER AND DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY – DEPARTMENT OF PUBLIC UTILITIES

(1-B) ADOPT RESOLUTION OF INTENTION NO. 1056-D TO VACATE A PORTION OF THE CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE, AND SETTING THE PUBLIC HEARING FOR APRIL 10, 2007, AT 10:15 A.M. (PROPERTY LOCATED IN DISTRICT 7) – PUBLIC WORKS DEPARTMENT

(1-C) ADOPT RESOLUTION OF INTENTION NO. 1059-D TO VACATE A PORTION OF YALE AVENUE, WEST OF WEBER AVENUE, AND SETTING THE PUBLIC HEARING FOR APRIL 10, 2007, AT 10:00 A.M. (PROPERTY LOCATED IN DISTRICT 1) – PUBLIC WORKS DEPARTMENT

(1-E) * RESOLUTION NO. 2007-88 – APPROVE APPLICATION AND ACCEPTANCE OF CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WORKFORCE HOUSING REWARD GRANT FUNDS IN THE AMOUNT OF \$19,000 – PLANNING AND DEVELOPMENT DEPARTMENT/HOUSING DIVISION; AUTHORIZE THE EXECUTION OF PROGRAM DOCUMENTS BY THE PLANNING AND DEVELOPMENT DIRECTOR, SUBJECT TO APPROVAL BY THE CITY ATTORNEY

(1-F) APPROVE PURCHASE OF A 1.02 ACRE VACANT PARCEL LOCATED AT 340 N. VAN NESS UTILIZING \$260,000 IN HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS FOR THE DEVELOPMENT OF MIXED INCOME SINGLE-FAMILY HOUSING; AUTHORIZE THE PLANNING AN DEVELOPMENT DIRECTOR TO EXECUTE A CITY ATTORNEY APPROVED PURCHASE AND SALE AGREEMENT AND ALL OTHER NECESSARY ESCROW DOCUMENTS RELATED TO THE PROPERTY PURCHASE – PLANNING AND DEVELOPMENT DEPARTMENT/HOUSING DIVISION

(1-H) ITEM REMOVED FROM THE AGENDA

(1-I) * AWARD A CONTRACT FOR \$916,178.67 TO ROCKY MOUNTAIN WELDING AND FABRICATING TO SUPPLY METAL REFUSE AND RECYCLING CONTAINERS AS PER SPECIFICATIONS IN BID FILE – DEPARTMENT OF PUBLIC UTILITIES

(1-J) * APPROVE A LEASE AGREEMENT IN THE AMOUNT OF \$12,000 PER YEAR FOR A CITY-OWNED RESIDENTIAL PROPERTY LOCATED AT 6379 W. CENTRAL AVENUE, NEAR THE REGIONAL WASTEWATER RECLAMATION FACILITY; AUTHORIZE THE ASSISTANT DIRECTOR OF PUBLIC UTILITIES, WASTEWATER MANAGEMENT TO EXECUTE THELEASE AGREEMENT AND SUBSEQUENT EXTIONSION ON BEHALF OF THE CITY – DEPARTMENT OF PUBLIC UTILITIES

(1-K) * ADOPT PROPOSED AMENDMENT TO THE FY 2005-2007 ANNUAL ACTION PLANS TO PROGRAM MULTIPLE AFFORDABLE HOUSING PROJECTS OCCURRING ON N. ECHO AVENUE, N. DIANA STREET, N. SAN PABLO AVENUE, CALIFORNIA AND MAPLE AVENUES, VAN NESS AND MILDREDA AVENUES, AND DELETE THE BROADWAY ROW, HOTEL FRESNO AND SUMMERSET HOMES PROJECTS PROPOSED FOR DEVELOPMENT – FINANCE DEPARTMENT/BUDGET DIVISION

(1-M) * **BILL NO. B-22 – ORDINANCE NO. 2007-22** (INTRO. 3/6/07) – APPROVING THE 2007 WEED ABATEMENT PROGRAM AND DECLARE THAT DRY GRASS, WEEDS, TRASH , AND DEBRIS ON VACANT LOTS AND LOTS WITH VACANT STRUCTURES ON THE LISTED PROPERTIES POSE A SIGNIFICANT FIRE HAZARD IN THE CITY OF FRESNO – PLANNING AND DEVELOPMENT DEPARTMENT

On motion of Councilmember Dages, seconded by President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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CONTESTED CONSENT CALENDAR:

(1-G) **RESOLUTION NO. 2007-89-** AUTHORIZE SUBMITTAL OF GRANT APPLICATION FOR CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT (CCHE) FOR \$76,675 UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 TO RESTORE THE “DANCING WATERS” FOUNTAIN LOCATED IN FRONT OF THE GUARANTEE SAVINGS BUILDING ON THE FULTON MALL; AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR OR HIS DESIGNATED REPRESENTATIVE, AS AGENT OF THE CITY OF FRESNO TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO APPLICATION, AGREEMENTS, AND AMENDMENTS WHICH MAY BE NECESSARY TO CARRY OUT THE PURPOSE SPECIFIED IN THE APPLICATION AND THE PROJECT DESCRIBED THEREIN, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY– PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

Councilmember Calhoun expressed concern with not holding a Council hearing regarding the Downtown Transportation Plan and the Fulton Mall, questioned the implication of the restoration of the Dancing Waters fountain with plans such as how people or vehicles would move up and down the Fulton Mall, and expressed disappointment with not looking at the entire Mall. Parks, Recreation and Community Services Director Cooper stated the City had received \$30,000 which had been set aside for the project and his objective was to maintain the Mall noting the City had an opportunity to apply for the grant in order to restore the fountain.

Councilmember Calhoun stated this was a good sized project and questioned why the Downtown Transportation Plan had not been completed. Assistant City Manager Ruiz stated holding off on the discussions of the Fulton Mall until the Downtown Transportation Plan had been completed was a good decision because it ensured that all the different efforts were tied together including the Sports Town, Kern Street, water features and Forrest City. Mr. Ruiz stated the grant would not be available until September and if the Council chose to move forward then the City would have the funding. Councilmember Calhoun stressed the importance of the project not necessarily being a commitment, and requested Mr. Cooper meet with the two other organizations providing funding to inform them of the discussion that took place today to emphasize the project was not a commitment, noting he would support the project due to the timing of the grant.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Resolution No. 2007-89 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

President Perea stated the item had not been opened to the public and requested Council reconsider the above motion.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, reconsideration of the adoption of the above entitled Resolution No. 2007-89, hereby approved by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

Upon call, no one wished to speak on the issue and President Perea closed the public portion of the discussion.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-89 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(1-L) AMENDING THE FRESNO MUNICIPAL CODE REQUIRING THE INSTALLATION OF PHOTO LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE – FIRE DEPARTMENT

1. RESOLUTION – CONSIDER AND ADOPT FINDINGS REGARDING LOCAL CLIMATIC, ECOLOGICAL OR TOPOGRAPHICAL CONDITIONS THAT SUPPORT AMENDING THE UNIFORM FIRE CODE AND UNIFORM BUILDING CODE TO REQUIRE THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS WITH THREE (3) OR MORE STORIES

2. * BILL NO. B-13 (INTRO. 2/27/2007) (FOR ADOPTION) – AMENDING THE FRESNO MUNICIPAL CODE, REQUIRING THE INSTALLATION OF PHOTO-LUMINESCENT EXIT PATH MARKING FOR BUILDINGS THREE (3) STORIES OR MORE

Councilmember Calhoun stated the above item was continued one week in order for the Building Industry Association (BIA) to meet with the Fire Department and noted his office received a letter from BIA that stated all concerns had been addressed. Councilmember Calhoun advised he had been contacted by the American Institute of Architects Association (AIA) local branch, who had questions but had not yet been in contact with the Fire Department. He stated there was no need to rush the item and would like all questions answered before the item was approved. Mike Prandini, BIA, stated his questions had been answered and his understanding was the change would only apply to enclosed stairwells typically found in downtown buildings. Fire Chief Bruegman stated the Fire Department had never engaged AIA in the discussions of a code amendment related to building or fire. Councilmember Calhoun stated the AIA was involved in designing buildings of all shapes and sizes and requested the issue be continued one week for AIA to have the opportunity to meet with the Fire Department.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled item continued one week, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : Dages
Absent : None

(9:00 A.M. “A”) SCHEDULED COMMUNICATION:

1. APPEARANCE BY WILLIAM R. MILTON TO DISCUSS CONCERNS REGARDING RECYCLABLE PRODUCTS

William Milton, 1307 N. Calaveras, expressed concern with the utility rates increase and the blue recycling containers and stated the process for the blue recycling bins recycling was costing the City too much money. He stated the City could have made more money on recycling but would not until the 15-year contract the City was committed to expired. Mr. Milton stated the City paid an excess amount of money for the separation process of the recycling material and recommending doing an audit on the program.

2. REQUEST APPROVE AN APPEAL TO ARBORIST’S RECOMMENDATION TO NOT REMOVE A SYCAMORE TREE IN FRONT OF THE HOME OF RAY AND BETTYE SULLIVAN – 1636 N. PACIFIC AVE. (PROPERTY LOCATED IN DISTRICT 1)

Ray Sullivan, 1636 N. Pacific, distributed a letter and requested Council approve the appeal to overturn the decision not to remove a sycamore tree in his front yard. Acting President Xiong thanked Mr. Sullivan for his cooperation and patience during the process and City Attorney Sanchez explained the appeal process. Assistant City Manager Ruiz stated as the Interim Public Works Director he was the one who gave the order to not remove the tree at the present time and noted if the tree was dead, dying, diseased or a public nuisance, the City would have removed and replanted a new tree. Mr. Ruiz stated the decision was based upon the best interest of the

neighbors and the community. City Tree Specialist Katen stated the tree did not fit any of the four criteria. Mr Ruiz stated the person may appeal to Council and if Council chose to overturn the Director's decision, the tree would be removed.

Acting President Xiong stated there were specific points Mr. Sullivan addressed and Mr. Katen stated the tree was inspected after the concrete was removed and the roots were able to be cut in a safe manner to allow for new concrete to be installed and stability was not an issue with the tree because it had a deep root system. Mr. Sullivan stated he disagreed with the roots not being a problem and read a letter noting additional problems with the tree.

Councilmember Dages stated if the homeowner did not want the tree on the property then the City should remove it, noting the City needed to discontinue planting sycamore trees and magnolia trees, advising he would support the removal of the tree.

Councilmember Calhoun stated the sycamore tree was a beautiful tree and the only time a City tree should be removed was when it was diseased or damaged, questioning why the tree would now be removed after the sidewalk had been repaired. Councilmember Calhoun expressed concern with granting the removal of the tree, stating people could have a tree removed simply because they did not like it. Councilmember Duncan stated the ordinance pertaining to City trees was amended to add another element "Nuisance" and the tree could be removed if there was support of the tree being a nuisance. Councilmember Sterling stated the same requests have been received in District 3 and if the tree was a nuisance the tree was removed.

Acting President Xiong requested the item be placed on the March 20, 2007, agenda at 9:45 a.m. to discuss the removal of the tree based on being a public nuisance.

Councilmember Westerlund thanked Mr. Sullivan for bringing the issue forward, noting it would be beneficial to review the history of the issues dealing with the tree, such as the health of the tree, life expectancy, how many times had the roots gone into the sewer line, how many times had Risk Management been contacted, and the number of repairs to the sidewalk, stating this type of information would be helpful in making a decision as to the tree being a nuisance.

1. APPEARANCE BY WILLIAM R. MILTON TO DISCUSS CONCERNS REGARDING RECYCLABLE PRODUCTS (*DISCUSSED EARLIER IN THE MEETING*)

Councilmember Westerlund stated he would like staff to address the concerns of William Milton regarding the recycling issue. Department of Public Utilities Ramirez and Chief of Solid Waste Operations Weakley reviewed the landfill tipping fee, the process that occurred at the transfer station to process solid waste and the recycling portion where the material was delivered to Sunset Waste Paper and then separated and the contract had provisions that were based on the volume the City took to Sunset Waste. Councilmember Westerlund questioned why the City could not make money on aluminum cans like a customer would, with Mr. Weakley responding.

(9:00 A.M."B") UNSCHEDULED COMMUNICATION:

Barbara Hunt, 2475 S. Walnut, discussed the poor people in southwest Fresno and stressed the importance of returning money from Airports and Redevelopment Agency to southwest Fresno, adding the City had too many outstanding bond debts.

Harley Turner, 1326 E. Goshen, expressed concern with the utility rate increase, discussed the increase in Council salaries and reviewed the placement of a tax on utilities, which he stated had to be refunded later and requested Council address the poor people in the City of Fresno. Mr. Turner expressed his disappointment with the decisions the Council had made.

(9:15A.M."A") ESTABLISHMENT OF COUNCIL SUBCOMMITTEE FOR CITYWIDE STREET IMPACT FEES – COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated staff had been working diligently on the major street and impact fees and on more than one occasion a discussion had taken place to establish a subcommittee to discuss the issues that were outstanding and needed to be addressed. **(3-0)** He stated some of the outstanding issues were: the double-dip issues, alternate funding analysis, mitigation proposal for affordable housing, job generating land uses, and family density exclusion or incentives. He stated there was a preliminary draft of the major street impact fee nexus study, and the subcommittee could look at these issues in a much deeper way. He advised the Council was the policy maker who needed to get involved in these types of issues and understand them in order to

make informed decisions for the City. Councilmember Westerlund encouraged Council to support the appointment of an ad hoc subcommittee consisting of three Councilmembers, noting each meeting would be posted and open to the public.

Interim Planning and Development Director Bergthold stated the street impact fee item would be presented to Council on March 27, 2007, the draft nexus study had been made available to the public last Friday, March 9th and a schedule of items would be made available next week. Assistant City Manager Ruiz stated staff's commitment was to bring the item to Council on March 27th for Council action, added he felt was not necessary for the formation of a Council subcommittee at this time and encouraged Councilmember to continue attending meetings as they work with stakeholders.

Councilmember Westerlund stated he had discussions with the stakeholders several months before the adoption of the Resolution of Intent, who supported forming a subcommittee to provide feedback, noting the stakeholders have heard staff's side of the issues, but not Council's views on such a high profile issue.

Mike Prandini, Building Industry Association (BIA), stated he had been involved in the entire process and at the time Council adopted the Resolution of Intention, Councilmember Calhoun recommended establishing a subcommittee to work through the issues. Mr. Prandini noted he would support the formation of a subcommittee but stressed there were only two weeks left and it would take a longer period of time to update Council on all the outstanding issues. Mr. Prandini also noted the material needed to be done by Thursday to make the material available ten days prior to the hearing.

Speaking to the issues were: Barbara Hunt, 2475 S. Walnut, and Harley Turner, 1326 E. Goshen. Nathan Magsig, Mayor of the City of Clovis, requested Council include affordable housing groups if the subcommittee was established.

Councilmember Calhoun stated he brought the formation of a subcommittee before Council twice and at that time Council did not want to engage in the process and expressed concern with Council getting involved at this late stage, noting this should have taken place a long time ago, with President Perea concurring.

A motion of Councilmember Westerlund to establish a Council subcommittee died due to a lack of a second.

Councilmember Westerlund questioned what would be presented to Council on March 27th, stating based on the comments made today Council would be receiving a solution. Mr. Ruiz stated Council would be presented with the proposed fee, a nexus study and staff would also provide information on double-dipping, affordable housing, alternate funding, filling in deficiencies if Council chose to go that route and stated a full packet would be presented to Council. Mr. Ruiz noted the packet would be brought forth in a way that would be best for the community. Councilmember Westerlund questioned whether there would be an ordinance presented, and City Attorney Sanchez stated after discussions with staff the appropriate approach would be a resolution adopting fees, advising an ordinance was not necessary at this time. Chief Deputy City Attorney Hale stated there would be some issues that would possibly involve an ordinance. Councilmember Westerlund stressed the importance of having all the material presented to Council on March 27, 2007.

(9:30 A.M.) RECEIVE UPDATE ON REGIONALIZATION EFFORTS BY THE FIRE DEPARTMENT – FIRE DEPARTMENT

A. RECEIVE UPDATE ON THE TRANSITION WITH THE NORTH CENTRAL FIRE PROTECTION DISTRICT

B. DISCUSSION/COUNCIL DIRECTION REGARDING CITY AND FRESNO COUNTY FIRE PROTECTION DISTRICT SERVICE TO COUNTY ISLANDS AND AREAS WITHIN THE SPHERE OF INFLUENCE

Fire Chief Bruegman gave an extensive power point presentation which included: The Fire Department's focus on regionalization of services; the integration of the Fig Garden Fire Protection District as part of the City's service and the consolidation of their dispatch services with the Fresno County Emergency Medical System (EMS). Mr. Bruegman stated the North Central Fire Protection Department (NCFPD) voters passed Measure "B" to allow the City of Fresno Fire Department to consolidate with NCFPD and reviewed the transition steps. He provided an update on Fresno County Fire Protection District (FCFPD) and requested direction from Council on how to move forward with the regionalization efforts; presented a map depicting the FCFPD and the City of Fresno's Sphere of Influence; identified the City's eight minute response zone; reviewed the County islands not covered under the existing contract for Station No. 15 and the City's proposal to the County, but advised there were differences of opinion. Mr. Bruegman reviewed the County fire stations that would assist in automatic aid and stressed the coverage was unacceptable due to the delay for the County to assist the City. Mr. Bruegman stated there would be no reallocation from the County for the automatic aid agreement and advised of efforts to look for alternatives to provide service to the area, noting the important issue was for the County to look for a long term solution.

Mr. Bruegman reviewed the amount of equipment and personnel sent to a single family home emergency and discussed the different staffing for a multi family and commercial fire. Councilmember Duncan questioned who would be the first responding agency in the Fort Washington County island for a structure fire with Mr. Bruegman responding.

Mr. Bruegman stated the FCFPD's proposal was for the City to provide services, noting the level of service provided to the citizens and the exposure to the firefighters and the continued subsidizing of services to County islands was not the City's long term vision. He reviewed several options for consideration, recommending Council approve Option 5 for fire protection to County island within the Sphere of Influence which would extend the existing level of service at no additional cost to FCFPD for 12 months. Mr. Bruegman stated in Option 5 the County would be required to transfer their 911 calls directly from the County P-SAP system to the County Emergency Medical Service (EMS) dispatch system which would stop a delay response of 2 – 3 minutes, stated the County had two stations that needed to be looked at for the long term strategy and would either need to be replaced or reconfigured from a County-wide perspective, advised upon approval of Option 5, the City would send a letter to the residents notifying them of the proposal and noted an aggressive plan needed to be developed and implemented for an annexation plan.

Speaking to the issue were: William Milton, 1307 N. Calaveras, who stated the City was losing money providing service to the County islands due to the City losing the tax base, stated the County looked at money and not safety and briefly reviewed OSHA regulations; **(4-0)** and Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Westerlund thanked the Fire Department for their efforts over the last 24 months and stated he had seen a tremendous change in the regionalization and service to the City, expressed concern with FCFPD being more concerned with money rather than fire protection and also the problem with dispatch. He questioned the status of the effort of consolidating dispatch services due to the County's contract with Cal Fire that differed from the ambulance, and City Fire Department's dispatch system being located at Hamilton yard. Mr. Bruegman stated the City moved over the County EMS and the City of Clovis was in the process and had approached the County about coming into the County EMS dispatch system but the County was not interested. Councilmember Westerlund questioned the County P-SAP system with Mr. Bruegman responding. Mr. Bruegman stated if the City was going to be the main responder to a call, the call should go directly to the City to save response time. Councilmember Westerlund expressed concern with not providing firefighters whether County or City on a scene as quickly as possible because of inconsistencies in the system that could be removed. Extensive discussion ensued regarding sending one City fire truck to a County island structure fire within the City limits where the City fire truck would fight the structure for up to fifteen minutes without County backup. Councilmember Westerlund stated Option 5 was only a temporary solution and the County of Fresno needed to do what was right. He also noted the direction to notify the residents in the County islands of the current situation was an important issue and hopefully they would demand better service.

A motion to approve Option 5 was acted upon after discussion.

Councilmember Duncan stated the fire protection service issue was addressed on last night's news in which a graph was shown for service calls for last year from the Fresno City Fire Department responding to County areas and then showed a graph for earlier in the year which indicated the County of Fresno had taken over the whole City of Fresno and requested clarification with Mr. Bruegman responding. Councilmember Duncan stated last fall he attended a meeting with the Fresno Farm Bureau, members of the Fresno County Fire Department and citizens and at that time Chief Bruegman had offered a short and long term solution to the issue. He advised the last meeting scheduled where the Chamber of Commerce volunteered to be the mediator, had been canceled, and with information he had received since then, the FCFPD had no desire to work with the City. Councilmember Duncan stated the Board of Supervisors had no authority for the fire protection service of their citizens; stated, but that they appointed a Board of Directors to run the Fire District who were making decisions on public safety and stressed the situation needed to be changed. He stated he would support Option 5 because the City was subsidizing fire protection to the County residents and the Board of Supervisors was not meeting the responsibility of proper funding. Councilmember Duncan referenced a structure fire in that occurred in Calwa in which a County fire truck was called, and there were two City fire stations less than two miles from the structure fire and, if used, could have possibly saved the structure.

Councilmember Calhoun stated he was concerned with Option 5 because there was less pressure on the County of Fresno; noted the annexation plan would be a delay because it was already in the process, and added he felt the City was not getting appropriate revenue. He stated he approved Option 4 because of the phrase "to pay for the incremental costs to provide to that area" which required the County to pay for the service and the City would no longer be subsidizing service. He spoke in support of the inclusion in Option 4 of "a long-term transition of revenues for the area with the district by July 1, 2007." Councilmember Calhoun stated he would like an addition to Option 4 to include if the transition plan was not agreed to, then approve Option 1 which was to discontinue service.

Councilmember Sterling questioned the area of Caruthers; requested an explanation be given to the residents concerning a major fire at their home and expressed concern with Caruthers not having fire service if Option 5 was approved with Mr. Bruegman responding. Councilmember Sterling expressed concern with the response time to Caruthers with Mr. Bruegman stating he had suggested the creation of pre-defined mutual aid box alarm system Countywide so the outside cities could build a system of response, but the County did not want to participate. Councilmember Sterling added the FCFPD was more interested in the money and not service, and noted she supported Option 5.

Acting President Xiong questioned the intent of the letter to be sent to the residents with Mr. Bruegman responding. Acting President Xiong stated Councilmember Calhoun made a good point with Option 4 but felt he could not at this time approve Option 1 if

FCFPD did not comply with Option 4. He questioned the annexation process and Mr. Bruegman stated the Planning and Development Department had a priority list identified and was putting together a priority plan. **(5-0)** Acting President Xiong stated he would like to see a combination of Options 4 and 5, adding the effective plan would be the implementation of the annexation process to move those County islands as quickly as possible.

Councilmember Westerlund stated the earlier comments made regarding Option 4 made sense and the option was similar to the City of Clovis did with Tarpey. Mr. Bruegman stated Option 4 did look at gaining benefit for the City and noted he recommended Option 5 due to the continuation of the dialogue and the annexation process as part of the motivation factor and education to the residents. Councilmember Westerlund stated the current situation being done on an on-going basis would not work and if nothing happened in 12 months he would be hard pressed on how to create the service.

Councilmember Duncan stressed the importance of FCFPD being notified of this discussion so they would realize the status quo was no longer acceptable and reiterated Option 5 was a better step in finding a solution.

At the hour of 11:52 a.m. Councilmember Calhoun left the meeting. President Perea encouraged the media to look into the story in more detail and noted he would support Option 5 because it also dealt with the quality of service. He noted he was glad to hear some members of the Board of Supervisors were discussing the possibility of funding the FCFPD which would provide an opportunity to have open discussion for future fire service to the community.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, Option 5 hereby approved to extend existing levels of service for 12 months at no additional cost; transfer 911 calls directly from the County PSAP to Fire/Emergency Medical Services dispatch system; the City to send a letter to residents notifying them of the proposal, and the development/implementation of an annexation plan, by the following vote:

Ayes	:	Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Dages
Absent	:	Calhoun

(10:05 A.M. #1) HEARING TO ANNEX FINAL TRACT NO. 5232 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 14 (CONTINUE TO 3/27/07 @ 10:20 A.M.)

Continued as noted.

(10:05 A.M. #2) HEARING TO ANNEX FINAL TRACT NO. 5503 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 15 (PROPERTY LOCATED IN DISTRICT 5) – PUBLIC WORKS DEPT.

A. RESOLUTION NO. 2007-90 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

B. RESOLUTION NO. 2007-91 - CALLING SPECIAL MAILED-BALLOT ELECTION

C. RESOLUTION NO. 2007- 92- DECLARING ELECTION RESULTS

D. * BILL NO. B-24 – ORDINANCE NO. 2007-23 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 15

President Perea announced the time had arrived to consider the issue and opened the hearing. Chief Engineering Technician Witzel advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2007-90, 2007-91, 2007-92 hereby adopted, and Bill No. B-24 adopted as Ordinance No. 2007-23 by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	Calhoun

(11:00 A.M.) HEARING TO ANNEX FINAL TRACT NO. 5316 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 2 (PROPERTY LOCATED IN DISTRICT 1) – PUBLIC WORKS DEPT.

- A. RESOLUTION NO. 2007-93- ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
B. RESOLUTION NO. 2007-94 - CALLING SPECIAL MAILED-BALLOT ELECTION
C. RESOLUTION NO. 2007-95- DECLARING ELECTION RESULTS
D.* BILL NO. B-25 - ORDINANCE NO. 2007-24 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 2

President Perea announced the time had arrived to consider the issue and opened the hearing. Chief Engineering Technician Witzel advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-93, 2007-94, 2007-95 hereby adopted, and Bill No. B-25 adopted as Ordinance No. 2007-24 by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Calhoun

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(11:15 A.M.) BILL NO. B-26 - ORDINANCE NO. 2007- 25 (FOR INTRODUCTION AND ADOPTION) – CONSIDERATION OF AN INTERIM ORDINANCE EXTENDING FOR AN ADDITIONAL 120 DAYS THE TEMPORARY MORATORIUM ON THE APPROVAL OF ANY LAND USE ENTITLEMENTS AND SPECIAL PERMITS FOR ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS OR ADULT THEATERS THAT THE COUNCIL INITIALLY IMPOSED ON NOVEMBER 28, 2006, THROUGH ITS ADOPTION OF ORDINANCE NO. 2006-161 AND SUBSEQUENTLY EXTENDED ON JANUARY 9, 2007, FOR AN ADDITIONAL 60 DAYS THROUGH ITS ADOPTION OF ORDINANCE NO. 2007-2 (REQUIRES 6 AFFIRMATIVE VOTES) - PLANNING AND DEVELOPMENT DEPT.

Supervising Planner Sanchez advised the staff report as submitted was complete and there was no new information to add.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled bill No. B-26 adopted as Ordinance No. 2007-25, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Calhoun

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(10:15 A.M.) CLOSED SESSION
A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: CITY OF FRESNO V. RAPS FRESNO LLC., ET AL.

Continued to March 20, 2007.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 11:59 a.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

Henry T. Perea, Council President

ATTEST: _____
Cindy Bruer, Deputy City Clerk

